

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. CR06-38-RSM
SUKHVEER SINGH SANDHU,) DETENTION ORDER
Defendant.)

Offenses Charged:

Count 19 of the Second Superseding Indictment: Smuggling Illegal Aliens in violation
of Title 8 U.S.C. §§ 1324 (a)(1)(A)(I) and (a)(1)(A)(v)(II).

Date of Detention Hearing: February 13, 2007.

On May 25, 2006, the defendant, a citizen of Canada, made his initial appearance. On May 25, 2006, United States Magistrate Judge James P. Donohue released defendant on an appearance bond which included restrictions that the defendant not use, consume, or possess a controlled substance, unless the substance was prescribed to him by a physician, that he submit to drug and alcohol testing, that he comply with drug testing, and that he not commit any federal, state or local crimes while on release. When he met with his pretrial officer, he was advised of the need to report any contact with law enforcement authorities within one business day of the contact.

01 On August 8, 2006, the defendant pleaded guilty to the offense of smuggling illegal
02 aliens in violation of 8 U.S.C. §§ 1324 (a)(1)(A)(I) and (a)(1)(A)(v)(II). He remained on bond,
03 subject to pretrial supervision. He is scheduled to be sentenced on March 2, 2007, before the
04 Honorable Ricardo S. Martinez.

05 On December 19, 2006, Pretrial Services filed a Violation Report and a Request for a
06 Summons, alleging that the defendant had violated the terms and conditions of his bond as
07 follows:

08 1. Sukhveer Singh Sandhu has violated a standard condition of his appearance bond
09 requiring that he not commit a federal, state, or local crime during the period of release, by
10 committing the offense of Possession of a Scheduled Substance for the Purpose of Trafficking
11 on or about December 12, 2006, in British Columbia.

12 2. Sukhveer Singh Sandhu has violated a standard condition of Pretrial Services
13 supervision, which requires him to report contact with law enforcement within one business day,
14 by failing to report his arrest on December 12, 2006.

15 The undersigned Magistrate Judge issued a summons for the defendant. On February 6,
16 2007, the defendant appeared on the alleged bond violations. Denials were entered as to the
17 alleged violations, and an evidentiary hearing was scheduled for February 13, 2007. The
18 defendant was detained pending the outcome of the hearing.

19 On February 13, 2007, the undersigned Magistrate Judge conducted an evidentiary
20 hearing on the alleged violations. Pretrial Supervision Officer Julie Busic testified as to police
21 reports received from the Delta, British Columbia, Police Department that indicated that on
22 December 12, 2006, the defendant was arrested while he was a passenger in the rear seat of a car,
23 together with two other people. Marijuana, seventeen small packages of cocaine and thirteen
24 small packages of crack cocaine were found in the car. The defendant and the two other
25 individuals in the car were charged with Possession of a Scheduled Substance for the Purpose
26 of Trafficking, a violation of British Columbia law. The trial of all three individuals is

01 scheduled for March 17, 2007, in British Columbia.

02 At the evidentiary hearing, the defendant pointed out that there have been no lab tests to
 03 confirm that the substances seized were either cocaine or crack cocaine. In addition, although
 04 the suspected drugs seized were in the back seat, near the feet of the defendant, no evidence was
 05 produced at the hearing, reflecting the defendant's fingerprints or actual possession of the
 06 suspected drugs.

07 In the police report, the two other defendants singled out Mr. Sandhu as the person who
 08 was most likely to be the source of the suspected drugs. In addition, although the suspected
 09 drugs had not been confirmed to be cocaine or crack cocaine, they bore the appearance of these
 10 drugs, and were wrapped in a fashion consistent, in the police officer's experience, with the way
 11 that cocaine and crack cocaine are distributed in British Columbia. The defendant did not report
 12 this arrest to his pretrial supervision officer until December 18, 2006.

13 Based on the evidence presented, the undersigned has concluded that the government has
 14 established by a preponderance of the evidence that the defendant committed the violations
 15 alleged. The evidence produced would not establish violation number one beyond a reasonable
 16 doubt standard. The defendant admitted violation number two.

17 After hearing the evidence, the undersigned also concluded that the defendant should be
 18 detained pending sentencing as a risk of flight. The government has not established that he
 19 would be a potential danger to the community that could not otherwise be addressed, if released.

20 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
 21 based upon the factual findings and statement of reasons for detention hereafter set forth, finds:

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

23 (1) On May 25, 2006, defendant was released on bond with pretrial supervision and
 24 special conditions.

25 (2) The defendant violated the conditions of his release.

26 (3) The defendant has pleaded guilty to Count 19 in the Superceding Indictment and

01 is scheduled for sentencing on March 2, 2007.

02 (4) There appear to be no conditions or combination of conditions other than
03 detention that will reasonably assure the defendant's appearance at future Court hearings.

04 IT IS THEREFORE ORDERED:

05 (1) Defendant shall be detained pending trial and committed to the custody of the
06 Attorney General for confinement in a correction facility separate, to the extent
07 practicable, from persons awaiting or serving sentences or being held in custody
08 pending appeal;

09 (2) Defendant shall be afforded reasonable opportunity for private consultation with
10 counsel;

11 (3) On order of a court of the United States or on request of an attorney for the
12 government, the person in charge of the corrections facility in which defendant
13 is confined shall deliver the defendant to a United States Marshal for the purpose
14 of an appearance in connection with a court proceeding; and

15 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
16 counsel for the defendant, to the United States Marshal, and to the United States
17 Pretrial Services Officer.

18 DATED this 15th day of February, 2007.



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20 JAMES P. DONOHUE
21 United States Magistrate Judge
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